

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 4, 8, 11, 15 and 19-20 have been amended. Claims 5-7, 12-14, 17-18 and 21-24 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-4, 8-11, 15-16 and 19-20 are presented for examination.

### Claim Objections

Claims 4 and 11 are objected to because of the following informalities:

In the last sentence of the claims, the word “thought” should be “through”.

Claims 4 and 11 have been amended. Applicants respectfully request the withdrawal of the rejection of claims 4 and 11.

### 35 U.S.C. § 102 Rejection

Claims 1-4, 8-11, 15, 16, 19 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Hughes, et al., U.S. Patent No. 6,854,009 (“Hughes”).

Claim 1, as amended, recites

A method comprising:

receiving indications from a device via a network, each indication corresponding to a status;

upon determining from the indication that the device is in a first state in which a first system has not been installed on the device, instructing the device through the network to install the first system prior to installing a second system, the second system including a first operating system;

upon receiving through the network from the device an indication that the first system has been installed, indicating through a user interface that the device is in a second state in which the device is available to install the second system selectable through the user interface; and

upon a selection of the operating system, instructing the device through the network to install the second system.

(emphasis added)

Hughes discloses a “networked computer system has a plurality of servers and a plurality of distributed clients, which may be devices or computers. *Each client has a boot operating system (OS).*” (Abstract; emphasis added). Hughes further discloses “*when the device is powered on, the boot operating system is loaded in the client. The boot OS is a partial version of a Linux OS* having sufficient capability to establish a connection between the client and the server.” (col. 17, lines 46-50; emphasis added).

In contrast, claim 1, in pertinent part, recites “receiving indications from a device via a network, each indication corresponding to a status . . . upon determining from the indication that the device is in a first state in which a first system has not been installed on the device, instructing the device through the network to install the first system prior to installing a second system, the second system including a first operating system” (emphasis added). Hughes does not teach or reasonably suggest at least these features of claim 1. Furthermore, the Examiner fails to discuss the entire element of “instructing the device through the network to install the first system prior to installing a second system, the second system including a first operating system” in the last Office Action (see page 3; mailed, 11-03-06). This element was added to the claims by Applicants in the Preliminary Amended (with RCE), filed 09-07-06, to expedite issuance of this case. Although Hughes does not teach or reasonably suggest “instructing the device through the network to install the first system **prior to installing a second system, the second system including a first operating system**”, Applicants request the Examiner to either address the new amendment or allow the pending claims.

Applicants respectfully request the withdrawal of the rejection to claim 1 and its dependent claims. Claims 8 and 15 contain limitations similar to those of claims 1.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 8 and 15 and their dependent claims.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

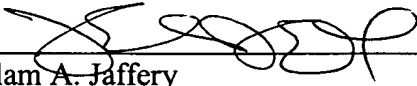
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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